

MR3721-4

Serial Number: 10/774,481

Reply to the Office Action dated 7 May 2007

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 7 May 2007. Responsive to that Office Action, Claims 1-3, and 12 are amended for further prosecution with the other pending Claims. Claims 4-10 were previously canceled. It is believed that with such amendment of Claims, there is a further clarification of their recitations. No new matter has been added, as all amendments to the Claims are believed to have ample support in the Specification and drawings as originally filed. Claims 1-3 and 11-13 remain pending in the subject Patent Application.

In the Office Action, the Examiner rejected Claims 1-3, 11, and 13 under 35 U.S.C. § 103(a), as being unpatentable over Shearer, et al., U.S. Patent Application Publication 2003/0224726, in view of Ng, et al., U.S. Patent Application Publication 2004/0254661. Claim 12 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Shearer, et al. in view Ng, et al., and further in view of Luman, et al., U.S. Patent 6,981,259.

Applicant's MP3 personal storage device with income-call displaying function (among other functions) enables the use of a storage device that can play MP3s stored thereon (or being accessed from a remote bluetooth device) through a headphone, interrupt the music to display an incoming call (to a bluetooth connected cellphone of the user) and display information pertaining to the caller,

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allow the user to decide whether to take the call (or not), allow the user to take the call and converse with the caller through the MP3 storage device's headphone and microphone, and at the conclusion of the call, continue listening to MP3s. Still further a monitor coupled thereto selectively displays the content of MP3 digital files in a local storage memory, broadcast information of an MP3 being accessed through a bluetooth connection to a remote device, or incoming call information.

Toward those and other ends, newly-amended independent Claim 1 now more clearly recites among its combination of features a "An MP3 personal storage device" comprising a "storage memory for storing MP3 digital files" and a "bluetooth module" being coupled to a memory control module and a "monitor ... used to selectively display broadcast information... of a remote MP3 digital file, a content of MP3 digital files in said storage memory, and incoming call information responsive to receiving [a] remote data signal from [a] cellular phone."

Turning to the cited references, the primarily-cited Schearer reference simply discloses a Bluetooth cassette that, when inserted into a car stereo by the user upon "the phone [itself] notify[ing] the user that the call is received, e.g. by ringing or vibrating...", will take a Bluetooth signal broadcast from a cell phone of the received audio and play it over the car loudspeakers.

The Schearer reference relies on the microphone of the cell phone for bi-directional communication and therefore does not encode an analog voice signal

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into a digital format compatible with cellular communication as necessary to Claim 1.

Among other deficiencies, Schearer nowhere discloses, alludes, or suggests internal storage memory for MP3 digital files, let alone a monitor for selectively displaying a broadcast information of a remote MP3 digital file or a content of MP3 digital files in said storage memory. None of the drawings or text of the Specification of Schearer disclose any structure or means for storing MP3 digital files. The Examiner seeks to label internal storage memory for containing MP3 digital files as inherent. However, while a small portion of buffer memory- though nowhere disclosed, suggested, or alluded to- may be inherent, it is submitted that storage memory is not contemplated and is not inherent. Also, it is submitted that were Schearer to indeed include a small portion of buffer memory – solely to smooth out encoding/decoding lags, there would still not inherently be a monitor for selective display of Broadcast MP3 digital files, or MP3 digital files in storage memory.

Schearer focuses solely on a live, uni-directional broadcast of digital audio from a cell phone through the car speakers. As such, there is no need, suggestion, allusion, inherency, or provision of a storage memory for this live telephone conversation and it indeed could well be illegal under Federal and/or state law to record these telephone conversations, thus counselling an ordinarily skilled person in this art against inclusion thereof. As there is no storage memory disclosed,

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there most certainly is not a means for selectively displaying the contents of a storage memory.

Ng discloses a wireless sound apparatus having an MP3 encoder/decoder/recorder IC. The wireless sound apparatus of Ng is only capable of picking up an MP3 formatted file by wireless transmission and NOT storing it locally. Among other deficiencies, Ng does not teach dealing with an incoming call, communication with a cellular phone, storage of MP3s on the wireless sound apparatus, or displaying caller id or contents of MP3 digital files in a storage memory.

NG does not disclose, allude to, or suggest, and indeed expressly teaches away from the inclusion of a monitor or any structure for internal storage of MP3 digital files. Ng discloses incorporation of a microphone in the device where the voice signals are converted from an analog format to an MP3 digital format for immediate wireless transmission to a remote device for storing the audio data (remotely) as an MP3 file for subsequent playback, the reference fails to disclose, suggest, or inherently contain storage memory for storing MP3 digital files. In fact, the entire purpose of the device is merely to provide access to a remote device more apt at storing and serving MP3 files.

Given such deficient and contrary teachings of the primarily-cited Schearer and Ng references, the disclosures of the secondarily-cited Luman reference is found to be quite ineffectual to the present patentability analysis. The Luman

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reference was cited for incidentally disclosing other isolated features, and it fails to remedy the deficiencies of Shearer and Ng.

It is respectfully submitted, therefore, that the cited Shearer, Ng, and Luman references, even when considered together, fail to disclose the unique concatenation of interrelated elements, for the same purposes and objectives, as now more clearly recited by Applicants' pending Claims in the subject Patent Application.

It is further respectfully submitted that Shearer, Ng, and Luman are intended to solve different problems, and do not contemplate the problem solved by the instant invention, the subject invention can hardly be made obvious by simply considering Shearer in view of Ng and Luman.

The dependent Claims are believed to show further patentable distinctions, but are believed allowable for at least the reasons presented supra.

If there are any further charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

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For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



David I. Klein
Registration #33,253

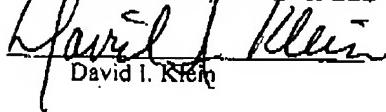
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Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586

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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit #2189, at (571) 273-8300, on the date shown below.

For: ROSENBERG, KLEIN & LEE



David I. Klein

Date
11/7/07